

Response to Amendment

1. The reply filed on May 12, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

While the response does indicate that the species of Figures 5-8 is elected, it sets forth that claims 1, 2, 5, 7, and 9 are readable thereon. However, this does not appear to be an accurate indication of claims that read on the species of Figure 5-8.

Firstly, it is noted that claims 5 and 7 both depend from claim 4, and thus include all limitations of claim 4. However, claim 4 is non-elected. Secondly, it is noted that, since claims 5 and 7 depend from, and thus include all of the limitations from, claim 4, neither of claims 5 and 7 appear to be drawn to the species of Figures 5-8. Note that claim 4 (and thus claims 5 and 7) indicate that the “drive means consist of at least one screw and at least one threaded bush which mutually engage”. A “drive means” that “consist of at least one screw” (28) and “at least one threaded bush which mutually engage” is only shown in the embodiment of Figures 1-4 (i.e., not in the species of Figures 5-8).

Furthermore, claim 5 adds the limitation that the “drive means consist of a rack rigid with said bed and at least one pinion rigid with said portal”. It is unclear what exactly is included in the claim, noting that both claims 4 and 5 use the closed language “consist”, but that claim 5 appears to add further limitations to the drive means. That aside, it appears that claim 5 is drawn to a not-shown embodiment including a drive means that consists of “at least one screw and at least one threaded bush which mutually engage”, and also including a drive means that consists of “a rack rigid with said bed and at least one pinion rigid with said portal”, the combination of which is not shown.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For Applicant's convenience, the previous requirement for an election of species will be repeated hereinbelow.

Election/Restrictions

2. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

(Firstly, Examiner is acting on the premise that there are only eight Figures in the present application, so the descriptions below relate to the set of drawings only having eight Figures.)

The species of Figures 1-4; the species of Figures 5-8; a not-shown species wherein the guide means consist of rails positioned on the lateral surfaces of the bed (as set forth in claim 3); a not-shown species wherein the drive means "consist of a rack rigid with said bed and at least one pinion rigid with said portal" and also "consist of at least one screw and at least one threaded bush which mutually engage" (as set forth in claim 5, noting that claim 5 depends from claim 4, and thus includes all of the limitations from claim 4, i.e., the drawings do not show the combination set forth in claim 5 of the rack, pinion, screw, and threaded bush, all in the same embodiment); a not shown species or embodiment wherein the drive means "consist of a linear

electric motor" as set forth in claim 6 (it is noted that no shown species includes a linear motor at all, and it is also noted that no shown species show the combination of a linear motor in combination with a screw and threaded bush drive means, noting that claim 6 also depends from claim 4, and thus includes all limitations therefrom); a not-shown species wherein the drive means "are positioned on at least one lateral surface of said bed" as set forth in claim 8; a not-shown species wherein "the guide rails are interposed between the outer lateral surface of said bed and the inner lateral surface of said lower crosspieces" (claim 10); and a not-shown species wherein the "guide rails are interposed between the internal lateral surfaces of said recess and the facing external lateral surfaces of said appendices" (claim 12).

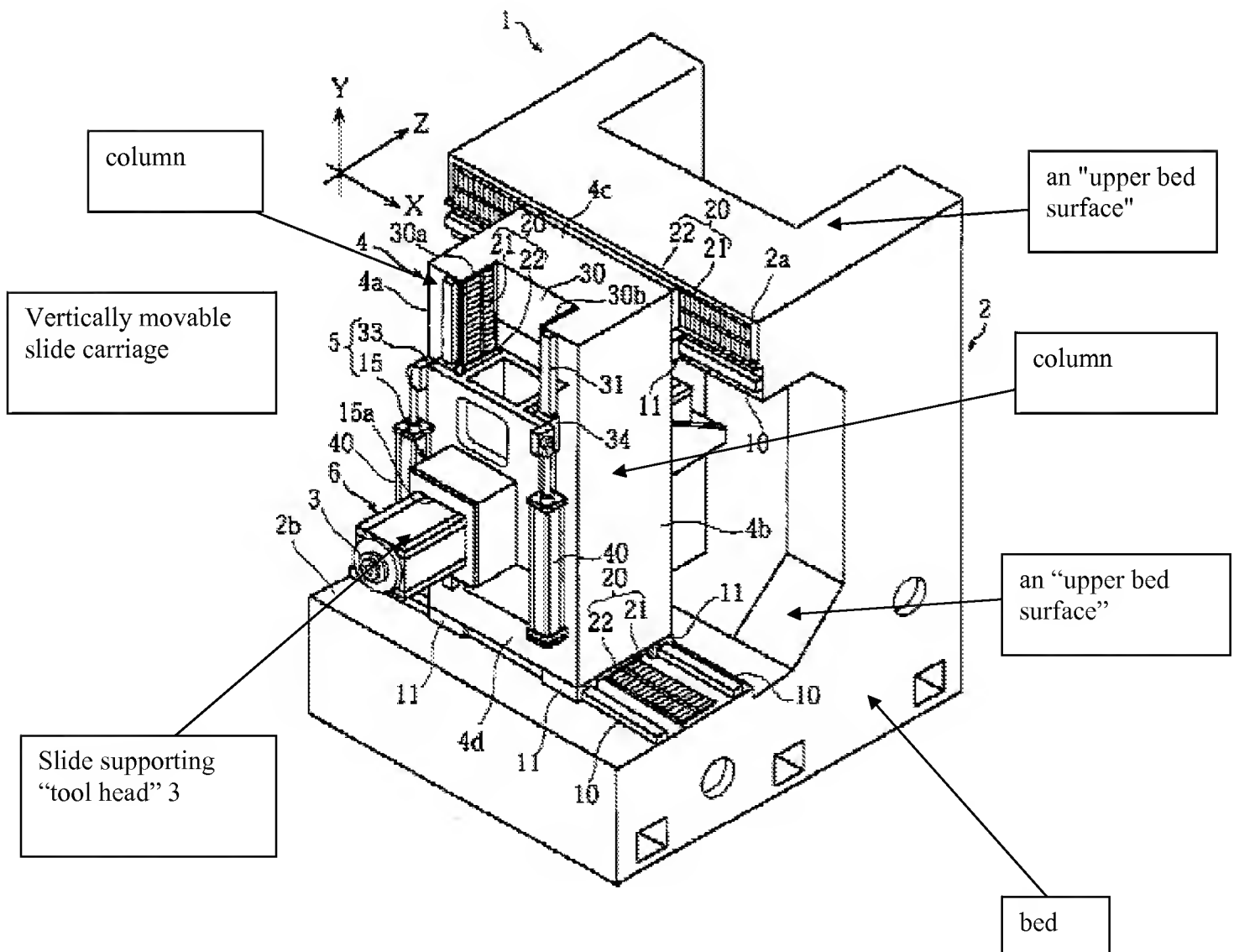
Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

At least claim 1 currently appears to be a generic claim.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special

technical features for the following reasons: in accordance with the guidance set forth in MPEP section 1850, it has been determined *a posteriori*, i.e., after taking the prior art into consideration, that the features common to all the claims (in this case, the features of independent claim 1) do not constitute “special technical features” since they do not make a “contribution” over the prior art in light of at least JP-10-263960, for example.



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Note that element 3 is a tool spindle, and thus, the machine can be used to perform milling and/or boring. Also note that the spindle rotation axis is horizontal (see Figure 1). The “bed” labeled in the above reproduction of Figure 1 is considered to be “monolithic” in that it is shown in one piece, and is considered to be “anchored to the floor” at least insofar as the bed of the present invention is so considered. Additionally, noting that the workpiece would be mounted to some sort of mounting structure or “table” in front of the spindle, which mounting structure would be a separate entity from the shown bed (see Figure 1), the bed is considered to be “separated” from the work table. Also note that the bed has horizontal surfaces and also has horizontally extending portions as shown in Figure 1, and thus, for at least either of those reasons, is considered to be “horizontal”.

Additionally, the element shown as 4 is considered to be a “portal formed column structure supported by the bed and slidable therealong” (along at least guides 10, see Figure 1). The portal 4 has two columns labeled above that are connected together by an “upper crosspiece” (i.e., the element labeled as 30 in Figures 1 and 2).

Re the slide carriage, slide, and spindle or tool head 3, see the above labeled reproduction of Figure 1.

Furthermore, “guide means” in the form of at least guide elements 10 are interposed between the “column structure” and the “bed”, and “drive means” in the form of linear motor 20 are interposed between the “column structure” and the “bed” (see Figure 1).

Additionally, note that the two columns of the portal are connected at the lower portion thereof at at least crosspiece 4d, which crosspiece 4d is placed “at a level” that is “at least partly

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lower than the upper surface of said bed", noting that the crosspiece is at least partly lower than the "upper" bed surfaces labeled above, for example.

Thus, the features common to all the claims (in this case, the features of independent claim 1) do not constitute "special technical features" since they do not make a "contribution" over the prior art in light of the teachings of at least JP-10-263960, for example.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on Monday through Thursday, from approximately 5:30 a.m. to approximately 4:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
Art Unit 3726

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August 7, 2008